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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,094	05/09/2001	Mark R. Dee	36861.00.0006	5243

7590 05/16/2008
Angelo J. Bufalino
VEDDER PRICE KAUFMAN & KAMMHOLZ
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Chicago, IL 60601

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/16/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The reply filed on 11/28/07 is not fully responsive to the prior Office Action because of the following matter:

The amendment filed on 2/28/08 canceling all claims drawn to the elected invention (a system) and presenting only claims drawn to a non-elected invention (a method of processing a payment) is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally filed and prosecuted claims were system (apparatus) claims directed to a system that included a vehicle, parking space, a parking meter, a wireless ticket issuance device, etc.. There were never any method claims presented for examination at any time in the prosecution of this application. The newly added claims are directed to a method for the payment of parking and do not include or use the system as has previously been prosecuted and examined. In fact the newly added method claims now even recite the providing of advertising to the user, which has never been claimed previously and is not proper for 705/1 where this case is being examined. Advertising is classified in 705/14. Payment processing methods are also not properly classified in 705/1 and are classified in 705/40. The newly added claims would have been restricted from the original system claims due to the fact that the method can be practiced with another system other than that previously claimed. Also, the previously claimed system can be used in a different method from that now claimed. This is why the claims are considered to be distinct from each other and relate to a restriction based on a product claim set and a method of use claim set. By this action the examiner has shown the newly added claims to be distinct from the claims originally elected and presented by the applicant as would be

done in a restriction before a first action on the merits. Applicant elected by original presentation a system with specific elements (vehicle, ticket issuance device, parking space, parking meter, etc.) and now none of this is even mentioned in the method claims. The newly added claims are essentially claiming a new invention and are going in a totally different direction than what has been prosecuted up to this point. Applicant elected by original presentation to prosecute a system type of statutory claim and cannot now come in and change the entire focus of the examination to only method claims that do not even use the system as has previously been claimed. Canceling the previously pending claims and adding these new method claims is considered to be non-responsive to the Final rejection.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689